

Advisory Circular

IRREVOCABLE DE-REGISTRATION AND EXPORT REQUEST AUTHORISATION (IDERA) AND CERTIFIED DESIGNEE CONFIRMATION LETTER (CDCL)

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- 1 **GENERAL.** Pursuant to paragraph 88B of the Air Navigation Order, the Director-General of Civil Aviation of the Civil Aviation Authority of Singapore (CAAS) may, from time to time, issue advisory circulars (ACs) on any aspect of safety in civil aviation. This AC contains information about standards, practices and procedures acceptable to CAAS. The revision number of the AC is indicated in parenthesis in the suffix of the AC number.
- 2 **PURPOSE.** This AC is issued to provide information on (a) the procedure for submitting the Irrevocable De-registration and Export Request Authorisation (IDERA) and the Certified Designee Confirmation Letter (CDCL) to CAAS and (b) the procedure for cancelling or exercising an IDERA or CDCL lodged with CAAS in respect of an aircraft. This AC also contains some information on de-registration of aircraft.
- 3 **APPLICABILITY.** This AC applies to all applicants and holders of Certificates of Registration of Singapore-registered (9V) aircraft.
- 4 **CANCELLATION.** This AC supersedes AC 1-5(0) dated 29 June 2011.
- 5 **EFFECTIVE DATE.** This AC is effective from 9 April 2020 (date inclusive).
- 6 **REFERENCES.**
 - (i) International Interests in Aircraft Equipment Act 2009 (Act No. 5 of 2009).
 - (ii) Convention on International Interests in Mobile Equipment 2001 (“Cape Town Convention”).
 - (iii) Protocol to the Convention on International Interests in Mobile Equipment on Matters

- specific to Aircraft Equipment 2001 (“Aircraft Protocol”).
- (iv) Consolidated Text of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (“Consolidated Text”).
- (v) Air Navigation Order, Paragraph 4.
- (vi) Singapore Airworthiness Requirements (SAR), Chapter 1.3.

7 INTRODUCTION.

This AC provides information on (a) the procedure for submitting an Irrevocable De-registration and Export Request Authorisation (IDERA) and Certified Designee Confirmation Letter (CDCL) to CAAS and CAAS’ acceptance of IDERAs and CDCLs and (b) the procedure for cancelling or exercising an IDERA or CDCL lodged with CAAS in respect of an aircraft. This AC also contains some information on de-registration of aircraft.

8 BACKGROUND.

- (i) Singapore is a Contracting State to the Cape Town Convention and Aircraft Protocol. Singapore has made a declaration pursuant to Article XXX(I) of the Aircraft Protocol that it will apply Article XIII (Article 25 of the Consolidated Text) on de-registration and export request authorisation for aircraft registered in Singapore.
- (ii) The International Interests in Aircraft Equipment Act 2009 enacts into Singapore law the international legal rules established by the Cape Town Convention and Aircraft Protocol to facilitate asset-based financing and leasing of aircraft. These international rules establish an international legal framework relating to the creation, priority and enforcement of security and leasing interests in aircraft equipment. They provide for the creation of an international interest in aircraft equipment which is recognised in all Contracting States to the Cape Town Convention and Aircraft Protocol. These Contracting States can be ascertained from the International Civil Aviation Organization’s webpage at <http://www.icao.int/partiestotreaties>.
- (iii) Under the rules, a creditor with such an international interest has a range of basic default remedies and, where there is evidence of default on the part of the debtor, the creditor may, pending final determination of its claim and to the extent that the debtor has at any time so agreed, obtain from a court speedy relief in the form of one or more of the following orders as the creditor requests:
 - (a) preservation of the aircraft object and its value;
 - (b) possession, control or custody of the aircraft object;
 - (c) immobilization of the aircraft object;
 - (d) lease or, except where covered by sub-paragraph (a) to (c), management of the aircraft object and the income therefrom; and
 - (e) if at any time the debtor and the creditor specifically agree, sale and application of proceeds therefrom.
- (iv) In addition to the remedies specified in paragraph 8(iii) above, the creditor may, to the extent that the debtor has at any time so agreed and in the circumstances specified in Chapter III of the Cape Town Convention:
 - (a) procure the de-registration of the aircraft (i.e. procure the deletion or removal of the registration of the aircraft from its aircraft register in accordance with the Chicago Convention); and
 - (b) procure the export and physical transfer of the aircraft object from the territory in which it is situated.
- (v) The rules also provide that a registry authority in a Contracting State shall, subject to any applicable safety laws and regulations, honour a request for de-registration and export if:
 - (a) the request is properly submitted by the authorised party under a recorded irrevocable de-registration and export request authorisation (**IDERA**); and

- (b) the authorised party certifies to the registry authority, if required by that authority, that all registered interests ranking in priority to that of the creditor in whose favour the authorisation has been issued have been discharged or that the holders of such interests have consented to the de-registration and export.
- (vi) Further, the rules provide for the following:
 - (a) Where the debtor has issued an IDERA substantially in the form annexed to the Aircraft Protocol and has submitted the IDERA for recordation to the registry authority, that IDERA shall be so recorded.
 - (b) The person in whose favour the authorisation has been issued (the “**authorised party**”) or its “**certified designee**”, shall be the sole person entitled to exercise the remedies specified in Article IX(1) of the Aircraft Protocol (Article 15(1) of the Consolidated Text) and may so exercise only in accordance with the IDERA and applicable aviation safety laws and regulations.
 - (c) The IDERA may not be revoked by the debtor without the consent in writing of the authorised party.
 - (d) The registry authority shall remove an IDERA from the registry at the request of the authorised party.

9 IRREVOCABLE DE-REGISTRATION AND EXPORT REQUEST AUTHORISATION (IDERA).

- (i) CAAS accepts and records IDERAs for Singapore-registered (9V) aircraft only.
- (ii) An IDERA must be submitted by either the holder of a Certificate of Registration¹ of a Singapore registered aircraft or the party entitled to register an aircraft in Singapore.
- (iii) The IDERA submitted must be in the format set out in the form CAAS(AW)135, a copy of which can be downloaded from the CAAS website <www.caas.gov.sg> -> [E-Services and Forms -> IDERA and CDCL](#). This format is as prescribed in the Aircraft Protocol. Any deviation from this format will not be accepted.
- (iv) The IDERA must be completed in the English language.
- (v) Two original IDERAs duly signed and notarised (and also legalised², if executed in a foreign jurisdiction) must be submitted. CAAS will retain one original, and return the other original duly acknowledged.
- (vi) The following supporting documents (either originals or certified true copies) must be submitted together with the two original IDERAs:
 - (a) National company registration details, or an equivalent document, that identifies the key appointment holders of the company.
 - (b) Letter of Authorisation: If the signatory of the IDERA is a company employee who is not a key appointment holder, a letter on the company’s letterhead signed by a key appointment holder (such as the Chief Executive Officer, Company Secretary or a member of the Board of Directors) authorising the company employee to sign the IDERA is required.
 - (c) Power of Attorney: If the signatory of the IDERA is a lawyer or a person who is not an employee or officer of the company, a Power of Attorney must be submitted with the IDERA. The Power of Attorney must explicitly empower the signatory to execute the IDERA on the company’s behalf.

¹ A Certificate of Registration is not a certificate of title.

² Please refer to paragraph 14 below for further information with respect to legalisation.

- (d) Letter from Law Firm: If the Power of Attorney is executed in a foreign jurisdiction, the Power of Attorney must be accompanied by a letter from a law firm in that foreign jurisdiction, addressed to the person submitting the IDERA and copied to CAAS, certifying that the Power of Attorney has been done in accordance with the laws of that foreign jurisdiction and that the Power of Attorney has been properly executed and is effective in that jurisdiction. An example of such a letter is set out in Appendix 1 hereto.
- (e) Any other documents which CAAS may, in its discretion, request, to evidence the signatory's authority.
- (vii) Upon receipt of the original IDERAs with the supporting documents, the process of CAAS' acceptance, recording and acknowledgement of the IDERA may take up to 7 working days. On completion of this process, CAAS will notify the party who submitted the IDERAs.

10 CERTIFIED DESIGNEE CONFIRMATION LETTER (CDCL).

- (i) A Certified Designee Confirmation Letter (CDCL) may only be submitted by the authorised party as stated in the IDERA.
- (ii) The authorised party as stated in an IDERA may, by way of a CDCL, certify another party as its designee to exercise the right to de-register the aircraft stated in that IDERA.
- (iii) The CDCL submitted must be in the format set out in the form CAAS(AW)136, a copy of which can be downloaded from the CAAS website www.caas.gov.sg -> [E-Services and Forms -> IDERA and CDCL](#).
- (iv) The CDCL must be completed in the English language.
- (v) Two original CDCLs duly signed and notarised (and legalised³, if executed in a foreign jurisdiction) must be submitted. CAAS will retain one original, and return the other original duly acknowledged.
- (vi) The following supporting documents (either originals or certified true copies) must be submitted together with the two original CDCLs to CAAS:
 - (a) National company registration details, or an equivalent document, that identifies the key appointment holders of the company.
 - (b) Letter of Authorisation: If the signatory of the CDCL is a company employee who is not a key appointment holder, such as the Chief Executive Officer, Company Secretary or a member of the Board of Directors, a letter on the company's letterhead signed by a key appointment holder authorising the company employee to sign the CDCL is required.
 - (c) Power of Attorney: If the signatory of the CDCL is a lawyer or a person who is not an employee or officer of the company, a Power of Attorney must be submitted with the CDCL. The Power of Attorney must explicitly empower the signatory to execute the CDCL on the company's behalf.
 - (d) Letter from Law Firm: If the Power of Attorney is executed in a foreign jurisdiction, the Power of Attorney must be accompanied by a letter from a law firm in that foreign jurisdiction, addressed to the person submitting the CDCL and copied to CAAS, certifying that the Power of Attorney has been done in accordance with the laws of that foreign jurisdiction and that the Power of Attorney has been properly executed and is effective in that jurisdiction. An example of such a letter is set out in Appendix 1 hereto.
 - (e) Any other documents which CAAS, may in its discretion request, to evidence the signatory's authority.
- (vii) The process of acknowledging the submission of the original CDCL with the supporting

³ Please refer to paragraph 14 below for further information with respect to legalisation.

documents may take up to 7 working days from the date of receipt. Once CAAS acknowledges receipt of the CDCLs, the certified designee (as stated in the CDCL) will be recognised by CAAS as the only person who may de-register the specified aircraft.

11 CANCELLATION OF CDCL

- (i) A request for cancellation of a CDCL must be made by the authorised party stated in the IDERA or by the certified designee stated in the CDCL.
- (ii) The cancellation letter submitted by the authorised party or certified designee (as the case may be) requesting cancellation of the CDCL must be notarised if signed in a foreign jurisdiction.
- (iii) The following supporting documents (either originals or certified true copies) must be submitted together with the cancellation letter to CAAS:
 - (a) National company registration details, or an equivalent document, that identifies the key appointment holders of the company.
 - (b) Letter of Authorisation: If the cancellation letter is signed by an employee who is not a key appointment holder of the authorised party or certified designee, a letter on the company's letterhead signed by a key appointment holder (such as the Chief Executive Officer, Company Secretary or a member of the Board of Directors) authorising the company employee to sign the cancellation letter is required.
- (iv) Upon receipt of a CDCL cancellation letter with its supporting documents, the process of acknowledging a CDCL cancellation may take up to 7 working days.

12 CANCELLATION OF IDERA

- (i) A request for cancellation of the IDERA must be made by the authorised party.
- (ii) The cancellation letter submitted by the authorised party requesting cancellation of the IDERA must be notarised if signed in a foreign jurisdiction.
- (iii) The following supporting documents (either originals or certified true copies) shall be submitted together with the cancellation letter to CAAS:
 - (a) National company registration details, or an equivalent document, that identifies the key appointment holders of the company.
 - (b) Letter of Authorisation: If the cancellation letter is signed by an employee who is not a key appointment holder of the authorised party, a letter on the company's letterhead signed by a key appointment holder (such as the Chief Executive Officer, Company Secretary or a member of the Board of Directors) authorising the company employee to sign the cancellation letter is required.
- (iv) Upon receipt of an IDERA cancellation letter with its supporting documents, the process of acknowledging an IDERA cancellation may take up to 7 working days.

13 EXERCISE OF IDERA/CDCL FOR AIRCRAFT DE-REGISTRATION

- (i) A request to de-register an aircraft must be made by the authorised party or certified designee (if a CDCL has been lodged).
- (ii) CAAS will, subject to applicable safety laws and regulations, honour a request by the authorised party or certified designee (if a CDCL has been lodged) for de-registration and export of the aircraft if:

- (a) the request is properly submitted by the authorised party (as stated in the IDERA) or the certified designee (as stated in the CDCL) only; and
 - (b) the authorised party or the certified designee (as the case may be) certifies to CAAS, that all registered interests ranking in priority to that of the creditor has been discharged or that the holders of such interests have consented to the de-registration and export.
- (iii) After CAAS has completed the de-registration process, the authorised party or the certified designee (as the case may be) must return to CAAS the following documents:
- (a) original copy of the Certificate of Registration with the relevant information entered on the reverse;
 - (b) original copy of the Certificate of Airworthiness;
 - (c) original copy of the Flight Manual Approval Letter;
 - (d) photocopy of the Export Permit issued by the Controller/Registrar of Import and Export; and
 - (e) original copy of the Maintenance Schedule Approval Letter (applicable to the last aircraft of the fleet type only).
- (iv) To the extent any of the above documents remain in the possession of parties other than the authorised party or the certified designee after aircraft de-registration (e.g. the party who was the holder of the certificate of registration prior to the cancellation), such parties shall promptly return such documents to CAAS or to the authorised party or the certified designee, for their return to CAAS following de-registration.

14 THE LEGALISATION PROCESS FOR AUTHENTICATION OF NOTARISATION

- (i) Where the IDERA, CDCL or Power of Attorney (hereinafter collectively referred to as “the documents”) are signed and originate from outside Singapore, the legalisation process, or chain of authentication, would be required.
- (ii) CAAS accepts the signatures of foreign notaries that have been authenticated through the legalisation process to ensure that the documents are notarised and that the notary is in fact authentic.
- (iii) All documents submitted must be originals.
- (iv) CAAS accepts the usual process of legalisation adopted by the practice of international commerce. For example:
 - (a) Where the documents are executed outside Singapore in a country where Singapore has diplomatic representation, the documents may be notarised by a designated Singapore consular officer in the Singapore Embassy or High Commission accredited to that country. The signature of the Singapore consular officer may then be legalised by the Singapore Ministry of Foreign Affairs.
 - (b) Where the documents are executed outside Singapore in a country where Singapore does not have diplomatic representation, the documents may be notarised by a person accredited by the Singapore Ministry of Foreign Affairs to exercise consular functions on behalf of Singapore, such as to notarise documents destined for use in Singapore.
 - (c) Where the documents are executed outside Singapore in a country where Singapore does not have diplomatic representation, and there are no persons accredited to exercise consular functions on behalf of Singapore, the following steps may be required:
 - (01) Notarisation by a notary of the foreign country.
 - (02) Legalisation of the notary by the Government or judicial authority designated by that country to legalise the notary, for example a judicial officer of the courts of that country.

- (03) Legalisation of the Government or judicial authority by the Government Ministry exercising authority or supervision of that authority.
 - (04) Legalisation of the Government Ministry exercising authority or supervision by the Ministry of Foreign Affairs of that country.
 - (05) Legalisation of the Ministry of Foreign Affairs of that country by the consulate officer of the Embassy or High Commission of that country in Singapore.
 - (06) Legalisation of the consulate officer of the Embassy or High Commission in Singapore by the Singapore Ministry of Foreign Affairs.
- (d) Where the documents are executed outside Singapore in a country where Singapore does not have diplomatic representation, and there are no persons accredited to exercise consular functions on behalf of Singapore, and the country does not have diplomatic representation in Singapore, the process of legalisation may be effected through the good office of a third country accredited by either Singapore or the country where the documents originate.

APPENDIX 1: SAMPLE LETTER

To : [Registered Owner or Operator of aircraft named in the IDERA]

Copy to: CAAS

Certification of Proper Execution of Power of Attorney

We refer to the Power of Attorney executed by [name] in relation to the Irrevocable De-registration and Export Request Authorisation or Certified Designee Confirmation Letter relating {delete as applicable} to [aircraft serial number and registration marks]

2. We certify that the Power of Attorney has been properly executed in accordance with the laws of [name of country] and is effective for its purposes under the laws of [name of country].

[signed]